

22.03.2023
Court No. 19
Item no.23
CP

WPA No. 6706 of 2023

Sanat Dey
Vs.
The State of West Bengal & Ors.

Mr. Krishna Pada Santra
....for the petitioner.

Ms. Susmita Biswas Chowdhury
.....for the State.

Affidavit of service filed in Court today be taken
on record.

The wife of the petitioner was an executive assistant of Old Malda Mangal Bari Gram Panchayat, District – Malda, who died in harness on **28.06.2017**. The pension payment order was issued on **06.12.2017** and the petitioner received the gratuity and arrear family pension on **05.02.2018**.

The grievance of the petitioner is that interest on the delayed payment of gratuity and arrear pension has not been paid.

It is now settled law that pension and gratuity amount is to be released to the retired employee immediately upon retirement and in case of delay in releasing the pension and gratuity amount, the retired employee is entitled to get interest.

Similar orders have already been passed by this Court, by which retired employees were granted interest for delayed payment of gratuity and arrear pension.

It is settled law that the right of a retired employee to get his retiral dues on the date of attaining superannuation is a valuable right which accrues in his favour on the date of attaining superannuation.

Gratuity and pension are no longer a bounty to be handed out by the State at its whim. An employee has a right to receive gratuity and pension as also interest on delayed payment of the same, upon retirement.

The Director of Pension, Provident Fund & Group Insurance, Government of West Bengal as also the concerned Treasury Officer are directed to pay interest @ 5% per annum on the gratuity and arrear family pension amount from the date of death of the employee concerned till the actual date of disbursement.

Such payment is to be made within three months from the date of communication of the certified copy of this order to the concerned authorities.

Needless to mention that before any such disbursement is made, the disbursing authority

shall satisfy himself about the genuineness of the claim and verify the signature and identity of the claimant who has approached this court.

With the aforesaid observation and directions, the writ petition is, thus, disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties subject to compliance of all necessary formalities.

(Shampa Sarkar, J.)